

PLANNING FOR A SUSTAINABLE FUTURE

Ordinary Meeting, 29/3/05

ITEM NO: 2

**SUBJECT: RADIATA PLATEAU - 28 PULPIT HILL ROAD, KATOOMBA
ACQUISITION RESPONSE FROM MINISTER FOR THE
ENVIRONMENT**

FILE NO: A75920

Recommendation:

That Council note the response of the Minister for the Environment to Council's submission seeking State Government acquisition of Radiata Plateau (28 Pulpit Hill Road, Katoomba).

Report by Group Manager, City Sustainability:

Purpose of the Report

This report will outline the Minister for the Environment's response to Council's proposal for the Department of Environment and Conservation (DEC) and/ or the Sydney Catchment Authority (SCA) to acquire land at Radiata Plateau (28 Pulpit Hill Road, Katoomba) or to place an Interim Protection Order (IPO) on the site.

Background

In November 2004 Council was made aware of the proposed sale of the property on Radiata Plateau at 28 Pulpit Hill Road, Katoomba.

Council's planning framework, LEP 1991 zones the property part Bushland Conservation (No Subdivision) and part Environmental Protection with a small portion zoned Residential Bushland Conservation. It comprises six lots, three of which are zoned entirely Environmental Protection.

This property has significant landscape values (steep slopes and watercourses), conservation values (significant vegetation and threatened species) and nature-based recreational values and forms an integral part of the Southern Escarpment. The current and future management of this land is of importance generally as well as being of considerable interest to a number of groups within the Blue Mountains community. To date Council has received approximately 180 form letters seeking full protection of Radiata Plateau.

Report

As a result of community interest, Council at its Ordinary Meeting of 14 December 2004, in a response to a Notice of Motion, resolved:

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“That, as a matter of urgency, Council writes to the Member for the Blue Mountains, the Hon Bob Debus, with a copy to the Premier, the Hon Bob Carr, strongly supporting the request of the Nature Conservation Council of NSW Inc, dated 1 December 2004, that:

- 1. an Interim Protection Order be placed on the Radiata Plateau, Katoomba; and*
- 2. the subject sites are acquired in public ownership, through the Catchment Management Authority and the National Parks and Wildlife Service, for incorporation within the National Parks system.”*

(Minute No. 458)

In response to the Notice of Motion, letters to this effect were sent to the Member for the Blue Mountains and Minister for the Environment, the Hon Bob Debus, with a copy to the Premier, the Hon Bob Carr.

Acquisition Submission

Council prepared a detailed submission outlining the site's significant values including:

- landscape values;
- recreation values;
- conservation values;
- rare species; and
- linkages with other Open Space Lands.

The submission was sent to the Department of Environment and Conservation (DEC) and the Sydney Catchment Authority (SCA) with the request to assess the future potential impacts on the site and the value of the land as a priority for acquisition as part of the Public Reserve System.

Correspondence from the Minister for the Environment, dated 19 January 2005 essentially advised Council that at present the DEC and the SCA are not seeking to acquire the property. The letter from the Department is provided at Attachment 1. Council reviewed the DEC's response on Radiata Plateau and requested the DEC clarify a number of the statements made within the letter.

Council and Departmental Officers met in late February 2005 to reach a clear understanding of the planning context and the level of priority relative to other land acquisitions in NSW. In response Council received a second letter dated 1 March 2005 from the Minister for the Environment. The letter (provided at Attachment 2) further advised that:

“...DEC has been able during the last few weeks to look more closely at the biodiversity values of the Plateau in the statewide context and in consequence to reinforce its conclusion that acquisition is not appropriate”

From the tone of the Minister's letter, it appears clear that State Government does not see the acquisition of the site as a priority relative to other acquisition programs elsewhere in NSW.

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It is noted that, given the current level of commitment for Council acquisition of environmentally sensitive land, acquisition of part or all of Radiata Plateau by Council is also beyond Council's financial capacity.

Currently the development potential is significantly constrained by both the physical characteristics of the land and the current zoning. This would facilitate protection of the vast majority of the site whilst ever the current zoning prevails.

As part of the review of LEP 1991, Council will specifically be examining options for the management of environmentally sensitive land in private ownership as an alternative to acquisition (such as voluntary conservation agreements etc) across the whole city. Such options, once fully developed may have application to this site.

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Attachment 1

Letter from Minister for the Environment 19 January 2005



NEW SOUTH WALES

MINISTER FOR THE ENVIRONMENT

A75920



In reply please quote MOF16514

Mr Michael Willis
General Manager
Blue Mountains City Council
Locked Bag No 5
KATOOMBA NSW 2780

DOC No.	353058
Rec'd	24 JAN 2005
Records	DMCC
REFER	GM / m.willis
REMITTANCE	REC No.

19 JAN 2005

K. Rae

Dear Mr Willis

Thank you for your letter of 4 January 2005 suggesting that the Department of Environment and Conservation acquire land on the Radiata Plateau (28 Pulpit Hill Rd, Katoomba) or place an Interim Protection Order (IPO) on the site.

The Department of Environment and Conservation (DEC) advises that the majority of the land you refer to is currently zoned environmental protection under the Blue Mountains Local Environmental Plan 1991 (LEP). DEC understands that the LEP strictly limits the types of development permitted and establishes clear objectives for any future uses of the land.

Given that the current zoning has made adequate provision to ensure that inappropriate development does not occur and DEC understands that the current owner has not lodged any formal development application with Council, there appears to be no immediate risk to the values present. Accordingly, DEC considers that an IPO is not warranted in the current circumstances.

DEC trusts that Council will ensure that any development application lodged for this land in the future is determined in strict accordance with the conservation objectives of the current zoning, and that Council will maintain the environmental protection zoning in any subsequent local environment plan.

With respect to your suggestion that DEC acquire the land and include it in the Blue Mountains National Park, DEC advises that Council and DEC have recently come to an agreement about the future of the Western Escarpment crown lands through the Blue Mountains Public Lands Rationalisation process. I am advised Council lobbied strongly to manage the proximate crown lands on the Western Escarpment. I understand that DEC has recently agreed to Council's proposal on the basis that appropriate resources be set aside by Council to manage the recreation, cultural and natural values of the lands.

I am further advised that all DEC's acquisition funds are targeted to inholdings and perimeter lands in the Greater Blue Mountains World Heritage Area. Given the outcome of the Public Land Rationalisation process, 28 Pulpit Hill Rd will not meet the acquisition criteria as it does not, and will not in the future, border the National Park.

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Attachment 1

Letter from Minister for the Environment 19 January 2005

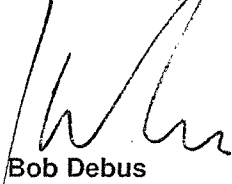
I have also been advised by Sydney Catchment Authority that the acquisition of 28 Pulpit Hill Rd, Katoomba is not a high priority for water quality protection and that the planning system should be used to provide appropriate protection of the values of the site.

Accordingly, I would suggest that Council, as the future manager of public lands on the Western Escarpment, may need to consider whether it should acquire the land to be managed as part of the Western Escarpment reserve.

In terms of Council's proposal to allow partial development of the site in exchange for dedication of the remaining lands, DEC advises that it is not its role to consider development applications (DAs). Should Council determine, following consideration of the DA, that DEC's concurrence is required in accordance with the *Threatened Species Conservation Act*, then DEC would give such an application careful consideration. A proposal to dedicate lands could be considered as part of the concurrence process.

In terms of a suitable land manager for any lands dedicated, this responsibility will fall to Council as the future manager of the Western Escarpment lands. Consequently, it will be up to Council to decide whether it is willing to take on the long-term management responsibility.

Yours sincerely



Bob Debus

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Attachment 2

Letter from Minister for the Environment 1 March 2005

A 75920



MINISTER FOR THE ENVIRONMENT

Mr Michael Willis
General Manager
Blue Mountains City Council
Locked Bag No 5
KATOOMBA NSW 2780

K. Rae



- 1 MAR 2005

Dear Mr Willis

Re: possible further development on Radiata Plateau

I refer to Council's letter of 4 January suggesting that the Department of Environment and Conservation (DEC) should acquire land on Radiata Plateau, to my response of 19 January and to further correspondence kindly provided by Council staff to DEC and to my office during February.

I understand that Council and Departmental officers have recently met and that both parties now have a clear understanding of the issues associated with the Radiata Plateau lands, such as the planning context and its level of priority relative to other land acquisitions in NSW. I am advised that DEC has clarified with Council an error in advice previously provided to me about possible future national park boundaries with the Plateau.

Nevertheless, DEC has been able during the last few weeks to look more closely at the biodiversity values of the Plateau in a statewide context and in consequence to reinforce its conclusion that acquisition is not appropriate.

Of the 17 bioregions in NSW, the Sydney Basin is second only to the Australian Alps in terms of area reserved for the protection of biodiversity: 37 percent of its land area is contained in national parks. Moreover, 40 percent of the 1.3 million hectares reserved is also declared wilderness and 75 percent is listed World Heritage Area.

At the subregional level known as a landscape unit, of which 95 have been identified by DEC in the Sydney Basin Bioregion, 75 have a lower reservation rate than the two landscapes associated with Radiata Plateau. The Sydney Basin Western Escarpment landscape unit and The Blue Mountains Plateau landscape unit are each more than 80 percent reserved. There are ten Sydney Basin Bioregion landscapes that are less than 10 percent reserved.

RECEIVED BY
- 7 MAR 2005
City Sustainability

DOC No.	355826
Rec'd Records	- 3 MAR 2005 B.M.C.
REFER	<i>Sus P. Gorman</i>
REMITTANCE	REC NO. <i>Blankenship</i>

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Attachment 2

Letter from Minister for the Environment 1 March 2005

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The nationally agreed target for the protected area in each of Australia's 85 bioregions is 15 percent. It is of course pleasing that the target has been so comprehensively exceeded in the Sydney Basin Bioregion (partly because it contains so much inaccessible country). However, in Central West and Western NSW – the great Murray Darling Basin – there are many bioregions with well below 5 percent of their total area protected in a conservation reserve. (Excellent information in this respect is provided by the National Parks and Wildlife Service publication *The Bioregions of NSW: their biodiversity, conservation and history* (2003)).

DEC's priorities are therefore, with my support as Minister for the Environment, properly directed to the acquisition of private and leasehold lands to establish new reserves in the West, where there is a unique opportunity to make extremely significant gains for the environment before landscapes become too degraded. It is worth remembering that one million dollars will purchase between 10,000 and 40,000 hectares of land in western NSW.

Of course, it is also the case that the State and Federal Governments have accepted international obligations to improve the integrity and management of the World Heritage Area. In this respect, the continuation of sewerage reticulation programs and the work of the Blue Mountains Public Lands Rationalisation Taskforce which is establishing more efficient boundaries for the management of the Blue Mountains National Park are of obvious importance. The availability also of a modest budget for the purchase of privately owned inholdings or property adjacent to the Park for the purpose of improving management arrangements is appropriate.

However, proximity alone is by no means a sufficient justification for acquisition and I do not believe that the obviously high cost of purchasing the Radiata Plateau can in any way be justified to the wider community of NSW as a conservation priority. To the contrary it would seem to the wider community an act of political expediency and as a cost to the environment elsewhere.

It is also of relevance that an informal assessment by DEC confirms that between 20 and 25 percent of the plateau landscape lands have been previously disturbed, largely by the pine plantation activity that gave the plateau its name. All other issues aside, this circumstance would discourage acquisition of the land directly affected. Groups campaigning for acquisition of the Plateau have published advertisements claiming that only 0.25 percent of the land is undisturbed. That is gravely misleading.

At the same time, it is my belief that the zoning provisions established by Council under the LEP 1991 arrangements offer very significant environmental protection for Radiata Plateau. LEP 1991, now to be updated, was the culmination of an arduous, long, democratic and technically innovative process which I helped to advocate and which Council successfully implemented so that land in the Blue Mountains which was neither urban nor permanently reserved could be managed with clear purpose and environmental sensitivity.

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Attachment 2

Letter from Minister for the Environment 1 March 2005

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The suite of zonings now applied to the Radiata lands protect the escarpment completely, severely restrict development anywhere and provide strong restrictions that will assist Council to negotiate with the private owners for a variety of measures to ensure good management of the environmental values and visual amenity of the area – and possibly also to entrench arrangements for future public access to the end of plateau views.

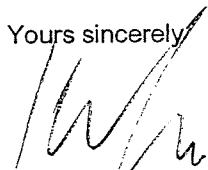
Specifically I have confirmed upon informal inquiry with your staff that 85percent of the Radiata lands are zoned "environmental protection" (the most stringent category) and that 15percent (on three large existing lots) are zoned either "bushland conservation no subdivision" or "residential bushland conservation no subdivision" (which is the zoning now enjoyed by the existing residents of Radiata Plateau). My present understanding is that all the bushland conservation zoning falls within the Radiata lands that have been disturbed by past development.

My advice is that there are no endangered vegetation communities on the land. Three threatened species (Spotted-tailed tiger quoll, Microstobus and Leionema) are all found within the environment protection zoning. More generally, all the Radiata lands will remain subject to the normal statutory processes for threatened species, development of bushfire prone land and Aboriginal sites.

Of course, the DEC will continue to work to provide advice to Council that might be in any way be useful and to consider any other land use options that Council may propose. In particular, DEC would be prepared to negotiate with an owner for the possible establishment of a voluntary conservation agreement or wildlife refuge over all or part of the property.

No doubt I will be having further discussions with council in relation to these matters.

Yours sincerely



Bob Debus